THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21680 of 2007

Date:11-10-2007

Between:

Smt.P.Sujathamma

...

Petitioner

AND

The Tahsildar, Kodavalur

..

Respondent

ORDER:

The petitioner seeks a writ of mandamus to declare the action on the part of the respondent in interfering with his peaceful possession and enjoyment of land admeasuring Ac.0.14 cents equivalent to 40 Ankanams vide in RS No.478/A, situated at Bodduvaripalyam village, Kodavalur mandal, Nellore District, as illegal and arbitrary.

It is the case of the petitioner that he is the owner of land admeasuring Ac.0.14 cents equivalent to 40 Ankanams vide in RS No.478/A, situated at Bodduvaripalyam village, Kodavalur mandal, Nellore District and he has given the said land on lease for erection of Hutch Tower. But, on enquiry it has come to know that based on the alleged lease, the Hutch tower is being erected in Sy.No.107 of Gramakantham. Therefore, the petitioner was issued a notice, dated 18.09.2007 calling upon him to appear before the respondent along with necessary records. It is stated that the petitioner made a representation, dated 26.09.2007 stating that he has given his land of Ac.0.14 cents in Sy.No.478/A on lease, but not the land in Sy.No.107.

Having regard to the facts of the case, I am not inclined to express any opinion with regard to erection of Hutch Tower either in Sy.No.478/A or in Sy.No.107. But, admittedly, the petitioner is not the owner of Sy.No.107. Therefore, the petitioner or her lessee shall not be permitted to erect any Hutch Tower in Sy.No.107. But, if it is

being erected in an extent of Ac.0.14 cents in Sy.No.478/A of Bodduvaripalyam village, Kodavalur mandal, Nellore District, the respondent shall not interfere with the same without following the due procedure prescribed under law.

With the aforesaid observations, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:11.10.2007
ccm

Note:
Furnish C.C. within two days.
B/O
ccm